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United States Department of Agriculture

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Animal and Plant Health Inspection Service
Veterinary Services

Program Aid Number 1117

Licensing and Registration Under the Animal Welfare Act

Dealers

EXHIBITORS

TRANSPORTERS

RESEARCHERS

USDA
NATL ANIML HLT
APR 1986
ECONOMY

Reference Index

Animal Dealers

Page

Basic Information 5-6

Animal sales (general):

Auction operators—

Dogs or cats sold Licensed 7

No dogs or cats sold Exempt 8

Boarding kennels—

Holding facilities for
dealers Controlled 9

Intermediate handlers
transport Registered 10

Other boarding kennels Exempt 9

Brokers Licensed 7

Direct sales Exempt 9

Hobby breeders Exempt 9

Nonregulated species Exempt 9

Pet stores Exempt 8

Pounds, public Exempt 9

Promoters (animal prizes) Licensed 8

Shelters, private Exempt 9

Trade-day sale sponsors Exempt 9

Laboratory animal trade:

Breeders Licensed 7

Brokers Licensed 7

Bunchers Licensed 7

Dealers Licensed 7

Holding facilities Controlled 9

Importers Licensed 7

Specimens (all sales) Licensed 8

Pet animal trade:

Breeders—

Direct sales Exempt 9

Sales via pet stores Licensed 7

Sales of breeding stock Licensed 7

Brokers Licensed 7

Bunchers Licensed 7

Chain stores—

No wild animals sold Exempt 9

Selling wild animals Licensed 8

Importers Licensed 7

Retailers—

Wild animals sold Licensed 8

With off-premises exhibits Licensed 8

No wild animals sold and
no off-premises exhibits Exempt 8

Trade-day sale sponsors Exempt 9

Wholesalers Licensed 7

Working dog trade:

Hunting dogs	Licensed	7
Seeing-eye dogs	Exempt	7
Watchdogs (for security)	Licensed	7

Exotic animal trade:

Chain stores—

No wild animals sold	Exempt	8
Wild animals sold	Licensed	8

Importers	Licensed	8
-----------------	----------------	---

Retailers—

No wild animals sold	Exempt	8
Wild animals sold	Licensed	8

Wholesalers	Licensed	8
-------------------	----------------	---

Wild animal dealers	Licensed	8
---------------------------	----------------	---

Animal Exhibitors

Basic information	11
-------------------------	----

Zoological parks:

Aquariums—

Marine mammal exhibits ...	Licensed	11
All others	Exempt	13

Aviaries	Exempt	13
----------------	--------------	----

City zoos	Licensed	11
-----------------	----------------	----

Farm exhibits	Exempt	12
---------------------	--------------	----

Federal Government zoos	Controlled	11
------------------------------	------------------	----

Marine mammal exhibits	Licensed	11
-----------------------------	----------------	----

Petting zoos	Licensed	11
--------------------	----------------	----

Private zoos—

Closed to the public	Exempt	12
Open to the public	Licensed	11

Rabbits, exhibits of	Licensed	11
----------------------------	----------------	----

Registered exhibitors	Registered	11
-----------------------------	------------------	----

Reptile houses	Exempt	13
----------------------	--------------	----

Roadside zoos	Licensed	12
---------------------	----------------	----

State zoos	Licensed	11
------------------	----------------	----

Businesses with nonperforming animals:

Carnivals—

Animals used as prizes	Licensed	12
------------------------------	----------------	----

Animals on exhibit	Licensed	12
--------------------------	----------------	----

Game preserves	Exempt	13
----------------------	--------------	----

Hunting preserves	Exempt	13
-------------------------	--------------	----

Nonregulated species	Exempt	13
---------------------------	--------------	----

Promotional exhibits	Licensed	12
----------------------------	----------------	----

Businesses with performing animals:

Amusement parks—

Owning animals	Licensed	12
----------------------	----------------	----

Not owning animals	Exempt	12
--------------------------	--------------	----

Animal acts	Licensed	11
-------------------	----------------	----

Aquatic shows	Licensed	11
---------------------	----------------	----

Circus acts	Licensed	11
-------------------	----------------	----

Marine mammal acts	Licensed	11
Nonregulated species	Exempt	13
Booking agents	Exempt	12
TV and movie acts	Licensed	11

Competition involving animals:

Cockfighting ventures	Controlled	12
Dogfighting ventures	Prohibited	12
Fighting ventures (mam-		
mals)	Prohibited	12
Horse shows	Exempt	13
Hunts	Exempt	13
Pet shows	Exempt	12
Rodeos	Exempt	13
Sporting events	Exempt	13

Animal Transporters

Basic information	10
Carriers' terminals	Controlled 10
Dealer-owned transport	Licensed 10
Intermediate handlers	Registered 10
Nonregulated businesses	Exempt 10
Private carriers	Licensed 10
Public carriers	Registered 10

Research Facilities

Basic information	14
-----------------------------	----

Diagnostic laboratories:

Dogs and cats used	Registered	15
Large-scale	Registered	15
Small-scale	Controlled	15

Institutions selling or trading surplus animals:

State-owned facilities	Registered	14
Private and local facilities	Lic/reg	14

Types of research facilities:

Agricultural research	Exempt	15
Animal studies, nonfarm	Registered	14
Behavioral studies	Registered	14
Biological specimens	Exempt	15
College laboratories	Registered	14
Drug firms	Registered	14
Federal facilities	Controlled	15
Laboratory tests	Registered	14
Marine mammal research	Registered	15
Nonregulated species	Exempt	15
Privately owned facilities	Registered	14
Quality-control studies	Registered	14
School laboratories	Exempt	15
State-owned facilities	Registered	14

Introduction

Proper animal care and comfort is not just good business; it also is required by law under the Animal Welfare Act. This law, passed by Congress in 1966 and amended in 1970 and 1976, protects most animals not raised for food and fiber. It also sets stiff penalties for sponsors and promoters of outlawed animal-fighting ventures.

Most businesses that buy or sell warmblooded animals, exhibit them to the public, transport them commercially, or use them in experiments must be licensed or registered by the U.S. Department of Agriculture (USDA). Businesses that use only fish and other coldblooded animals are exempt by law; those that use only rats, mice, birds, horses, ponies, or domestic farm animals are exempt by regulation. The rabbit business is exempt from regulation if the rabbits are intended only for food or fiber. If any rabbits are designated for use in the pet, exhibit, or laboratory animal trade, the business is regulated. Certain other types of businesses are specifically exempt by law or regulation. None of the exempt businesses have to be licensed or registered.

This publication lists the major types of regulated and exempt businesses—but it cannot cover all cases. If you are in doubt about your status, consult the nearest office of Veterinary Services, Animal and Plant Health Inspection Service, USDA (offices are located in most State capitals). Or, write: Animal Care Staff, APHIS, 764 Federal Building, Hyattsville, MD 20782. Personnel there will answer your questions and provide a copy of the Code of Federal Regulations, Title 9, Chapter 1, Subchapter A, which gives the legal requirements for businesses regulated by the Animal Welfare Act.

If you are the person in charge of a regulated business, the law requires you to contact USDA's Animal and Plant Health Inspection Service (APHIS). Failure to apply for licensing or registration is a punishable offense. Once you contact APHIS, you can continue in business as usual until you receive further instructions.

On the basis of information you supply, APHIS determines whether your business should be licensed, registered, or both. Licensing involves a yearly fee; registration is free.

The fee for licensed animal dealers ranges from \$5 to \$500, depending on the dollar volume of business in regulated animals. For example, dealers who buy and sell animals pay on the basis of the income from selling regulated animals less their cost. Overhead expenses cannot be deducted.

Fees range from \$5 to \$100 for licensed exhibitors, depending on the number of regulated animals owned.

The same standards of animal care apply to all registered and licensed businesses, and APHIS field inspectors make periodic unannounced visits to all locations where your animals are held to see that regulations and standards are followed.

Basically, the Federal animal care standards cover:

- Humane handling
- Housing
- Space
- Feeding and watering
- Sanitation and ventilation
- Shelter from extremes of weather
- Adequate veterinary care
- Separation of incompatible animals
- Transportation and handling in transit

If your facilities or practices do not meet Federal standards when you apply, you will be allowed a reasonable time to correct any deficiencies.

Licenses are not issued until deficiencies are corrected. Legal action results unless you make needed corrections or cease operating a regulated business.

Animal Dealers

If your business falls under any of the categories of “dealers” listed below, you must be licensed by USDA. You cannot be licensed or registered as an exhibitor. When first contacting APHIS, indicate the species you handle, the type of business you are in, and the type of business to which you sell animals.

Regulated Businesses

Pet wholesalers.—Anyone importing, buying, selling, or trading pets in wholesale channels must be licensed. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Pet breeders.—Anyone breeding pets for the wholesale trade must be licensed. You also may have to be licensed if you sell dogs as breeding stock to other breeders. Some small-scale breeders can qualify for an exemption (see “Hobby breeders”). License fees are based on 50 percent of gross sales of regulated animals.

Laboratory animal dealers.—Anyone importing, buying, selling, or trading laboratory animals directly to research institutions or through other dealers must be licensed. This licensing requirement includes “bunchers,” who supply dealers with dogs, cats, and other animals collected from random sources; it also includes research institutions (except State or Federal facilities) that sell or trade surplus animals to others. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Laboratory animal breeders.—Anyone breeding regulated animals for laboratory animal trade must be licensed. License fees are based on 50 percent of gross sales of regulated animals.

Working-dog dealers.—Anyone breeding or reselling hunting dogs or watchdogs for the wholesale trade must be licensed. You don’t need a license to deal only in seeing-eye dogs. License fees for working-dog dealers are calculated like those for pet wholesalers and breeders.

Animal brokers.—Anyone who deals in animals but does not take physical possession must be licensed. If you meet this definition of a broker, you are exempted from certain regulations imposed on dealers who handle animals, but you need the same type of license. License fees are based on income from commissions and brokerage fees (with no deductions).

Auction operators.—Anyone who operates an auction at which dogs or cats are sold must be licensed. For example, licenses must be acquired by radio and television stations that conduct auctions with telephone bids—whether or not the proceeds go to

charity. Auctions that do not handle dogs or cats need not be licensed. License fees for auction operators are based on income from commissions and fees from selling regulated animals.

Promoters giving animal prizes.—A carnival concessionaire or other promoter who gives animals as prizes must be licensed. License fees are based on the amount paid to the promoter to offer animal prizes less the amount paid for these animals.

Exotic animal wholesalers.—Anyone importing, buying, or selling, or trading foreign animals (wild or domesticated) must be licensed. You also must be licensed if you sell domestically bred exotics. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Wild animal dealers.—A store or individual who sells wild animals must be licensed. Wild animals are those requiring special care and handling, such as marine mammals, foxes, chinchillas, wild cats, anteaters, kinkajous, monkeys, and apes.

If you sell any wild animals, you are not eligible to claim exemption as a retail pet store. You become a full fledged dealer and must comply with standards of care for all regulated animals—not just wild animals. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Suppliers of specimens.—Anyone processing or selling dead animals that are regulated or their blood, serum, or parts, must be licensed. License fees are based on income from specimens less cost of the specimens or the animals from which they were prepared.

Exempt Businesses

Retail pet stores.—Anyone whose entire business consists of selling domestic animals to pet owners is exempt. If, as part of your business, you exhibit animals, however, you may have to be licensed as an exhibitor.

For example, you need to have an exhibitor's license if you take animals outside the store for teaching or promotion or if you set up a petting display. You must be licensed as a dealer if you sell wild or exotic animals to any person, or if you sell animals to other retailers, research institutions, exhibitors, or other animal dealers. However, you do not need to be licensed as a dealer or exhibitor if you merely display a monkey or other wild animal inside the store but do not intend to sell it.

Exemptions for retail pet stores are on an "all or nothing" basis. If you qualify, none of your business is regulated or inspected. If you do not qualify, you are a fullfledged dealer, and all your regulated animals are inspected, and all your regulated

animals are counted in determining the amount of your annual license fee.

Retail chain stores.—Centrally managed stores that sell pets entirely at retail are exempt. Chains, like independent retailers, are treated as business entities on an “all or nothing” basis. If all outlets qualify as “retail pet stores,” the entire chain is free from regulation. Conversely, if any outlet does not qualify as a “retail pet store,” the corporation must be licensed as a dealer and all regulated animals at all outlets are inspected.

Direct sales.—Anyone who sells domestic pets directly to pet owners is exempt, regardless of sales volume. Such sales can be made in person or by mail.

Hobby breeders.—For small-scale breeders, gross sales under \$500 per year are exempt, as long as these sales do not include wild animals, dogs, or cats. If you own no more than three breeding female dogs or cats and sell the offspring, you also are exempt.

Public pounds.—Animal shelters that are part of State, county, or local governments are exempt. The exemption covers only the pound’s own activities. You must have a dealer’s license if you purchase animals from pounds or acquire them on contract for resale.

Private shelters.—Animal shelters operated by humane societies and other private groups are exempt unless animals are disposed of through trade channels as pets or to research institutions for use as laboratory animals.

Trade-day sales sponsors.—Anyone arranging occasions for persons to make private sales or trades is exempt. The exemption holds only if the sponsor does not act as intermediary in the transaction. The buyers, sellers, and traders at trade-day sales, however, must be licensed if they meet the definition of a “dealer.”

Boarding kennels.—Anyone housing animals for others is exempt, except for intermediate handlers and holding facilities. You must be registered as an intermediate handler if, as part of your services, you ship or receive shipments of regulated animals traveling on public carriers. You have to agree in writing to observe USDA’s standards of animal care if you are a holding facility—meaning that you board dogs or cats for licensed dealers. In holding facilities, APHIS inspects dogs and cats to assure that they receive the required care; dealers need prior APHIS approval to board dogs or cats with you.

Dealers in nonregulated species.—There is a blanket exemption for anyone handling only animals not included under Federal law or regulations (see Introduction). Examples of businesses not needing licensing or registration are those restricted to birds, fish, or reptiles.

Animal Transporters

If you are involved in any way in the transportation of regulated animals as part of your business operation, you must be licensed as a dealer or registered as an intermediate handler or carrier. In contacting APHIS, indicate whether you are applying for a license as a private carrier or are being registered as an intermediate handler or public carrier, as described below.

Regulated Businesses

Carriers.—Anyone transporting regulated animals for hire must be registered as a carrier. This includes airlines, railroads, motor carriers, shipping lines, and other enterprises. As a carrier, all your facilities are regulated, including terminals and freight storage. You are responsible for enforcing all restrictions on animals that can be legally shipped by your customers. You also are responsible for proper crating, whether the shipper or receiver is a private pet owner, a business, an institution, or an agency of Government.

Intermediate handlers.—Anyone taking custody of regulated animals in connection with transporting them on public carriers must be registered as an intermediate handler. This requirement covers boarding kennels that take responsibility for shipping animals or receiving them after shipment, as well as freight forwarders and freight handlers.

Exempt Businesses

Transporters of nonregulated species.—There is a blanket exemption for anyone transporting only animals not included under Federal law or regulations (see Introduction). Examples of carriers not needing licensing or registration are those restricting their services to birds, fish, reptiles and livestock.

Animal Exhibitors

If you have animals on display to the public or conduct performances including animals, you must become licensed as an exhibitor. When first contacting APHIS about a license, indicate the number and species of exhibit animals you have on hand because the license fee is determined by the number of animals held. Also, indicate the income you receive from exhibiting animals and from trading in animals. These figures determine whether you will be licensed as an exhibitor or a dealer. Licensed exhibitors have a lower fee schedule.

Under special circumstances, exhibitors may be registered instead of licensed. Registration requires no fee. It applies to some noncommercial exhibits, such as municipal deer parks that do not charge admission.

If you have a traveling animal show that goes to more than one State, send your itinerary along with your license application to the Veterinarian in Charge, Veterinary Services, APHIS, USDA, in the area where you have your permanent office or winter quarters.

Regulated Businesses

Zoological parks.—Animal exhibits open to the public must be licensed or registered, whether they are owned by cities and other local governments, the State, or corporations, foundations, and other private persons. Zoos run by agencies of the Federal Government are not licensed or registered, but the animals in these zoos are subject to the same USDA standards of animal care. Petting zoos with regulated animals, including rabbits, must be licensed or registered and are subject to special regulations protecting animals and their visitors.

Marine mammal shows.—Exhibits, shows, and acts with marine mammals must be licensed. This includes public aquariums, amusement parks, and zoos. However, exhibits in which free-living marine mammals are viewed in their natural state are exempt; examples are coastal seal rookeries or commercial whale sightseeing tours.

Marine mammals include polar bears, sea otters, whales, porpoises, dolphins, manatees, dugongs, seals, sea lions, walruses, and other mammals that have fins or flippers. They are protected by a separate set of standards for care and handling.

Animal performances.—Any owner exhibiting animals doing tricks or shows must be licensed. This includes each person owning animals performing in circuses, marine mammal shows, amusement parks, carnivals, independent animal acts, television shows, or movie filmings. All animals must receive

the same quality of housing and other care, regardless of whether they are currently performing.

Roadside zoos.—Tourist attractions exhibiting regulated animals must be licensed even if only a single regulated animal is on exhibit.

Carnivals.—Concessionaires who exhibit animals must be licensed as exhibitors. (If you give live animals as prizes, you must be licensed as a dealer.) Carnivals cannot be included in the exemption of an agricultural show, such as a fair with a midway.

Promotional exhibits.—Anyone who uses animals to promote or advertise goods or services must be licensed. (If you give away or sell animals as a prize, you must be licensed as a dealer.) You must be licensed even if you do promotions with only a single animal, such as a bear at a gasoline service station, a monkey at a trade show, or an elephant at a shopping center. You also must be licensed if you use animals to promote photographs or photography.

Animal-fighting ventures.—Staged dogfights, bear or raccoon baiting, and similar animal-fighting ventures are prohibited by the Animal Welfare Act, with stiff penalties for convicted sponsors and promoters. Cockfights are permitted only in States that have no law against them. Animal-fighting ventures cannot be licensed or registered under the Act.

Exempt Businesses

Private collections.—Anyone who collects animals but does not exhibit them to the public is exempt. The exemption does not apply, however, if you buy, sell, or trade animals other than to maintain your collection.

Amusements parks.—Amusement parks not owning animals are exempt. You should realize, however, that a person owning animals that perform in your park must be licensed as an exhibitor and must comply with USDA requirements for facilities, conditions, and situations where animals are exhibited.

Farm exhibits.—Anyone who shows only domestic farm animals to the public is exempt; for example, children's farms. Also exempt is anyone who arranges and takes part in showing farm animals at agricultural shows, fairs, and exhibits. However, exhibitors of foreign farm animals not commonly kept on American farms, such as camels and llamas, must be licensed.

Booking agents.—Anyone booking or arranging animals acts without owning any animals is exempt. As an agent, you should realize, however, that the exhibitors you book must comply with USDA requirements for facilities, conditions, and situations where animals are exhibited.

Pet shows.—Sponsors and participants at pet shows, such as dog shows and cat shows, or rabbit shows, are exempt by law.

Horse shows.—Trainers, owners, riders, and sponsors at horse shows—events where horses perform in certain gaits—are not regulated under the Animal Welfare Act. APHIS regulates them, however, under the Horse Protection Act, which forbids the cruel practice of making a horse sore to enhance its performance. This law does not require registration or licensing.

Rodeos.—Performances featuring only farm animals and horses are exempt from both the Animal Welfare Act and the Horse Protection Act and their regulations.

Animal preserves.—Game preserves, hunting preserves, and similar enterprises that keep animals in the wild state are exempt. However, if you maintain special exhibits for compensation, you must be licensed or registered as an exhibitor. If you sell animals to exhibits, the research trade, or the pet trade, you must be licensed as a dealer.

Hunts.—Hunting events are not regulated. Sponsors are not considered exhibitors if they keep animals only for sport—not for exhibition purposes. Hunting is not considered animal fighting, even if dogs, falcons, or other animals are used to help bring down game.

Shows of nonregulated animals.—Anyone exhibiting only species of animals not covered by law or regulation is exempt. Typical examples would be aviaries, reptile houses, and aquariums not showing marine mammals.

Research Facilities

Institutions using any regulated live animals for research, testing, teaching, or experimentation must register with USDA as “research facilities.” If the institution is part of a larger organization, the parent organization must acquire the registration. Individual researchers and their attending veterinarians should make sure their institution is legally registered and all USDA regulations and standards are followed.

Included under research, testing, teaching, or experimentation are:

- Research using regulated animals—including behavioral studies;
- Investigations on animal propagation and control—such as wildlife ecology;
- Laboratory tests—including pregnancy tests, allergy tests, and other diagnostic procedures;
- Quality-control studies—such as studies on the safety, effectiveness, durability, or other quality of commercial products; and
- College instruction—whether for research or education.

Registration is required mainly to assure that laboratory animals are provided with care and comfort meeting USDA standards. Registration is required even for institutions doing research on contract containing a clause that USDA animal care standards must be followed.

The law and regulations are designed to leave researchers free to conduct any studies they deem necessary. They must, however, use appropriate pain-relieving drugs wherever possible. Registered research facilities and all agencies of the Federal Government must submit an annual report stating how many regulated animals were used; if any painful experiments were conducted, pain-relieving drugs must be furnished, or an explanation must be given, stating why it was necessary to omit pain relief.

Regulated Institutions

State-owned facilities.—Public institutions administered and/or funded by a State government must be registered. State-run institutions, however, do not have to be licensed as dealers even if they sell or trade regulated animals.

Private and local facilities.—Institutions administered privately or by local government must be registered as research facilities. The institution also must be licensed as an animal dealer if regulated animals are sold or traded to others.

Drug firms.—Manufacturers of vaccines, drugs, and other medicines must be registered as research facilities if they do research, development, or quality-control tests on regulated animals. Institutions must

be registered under the Animal Welfare Act even if they have USDA establishment licenses to produce biologics under the Virus-Serum-Toxin Act. APHIS enforces both Acts, and the same inspector may check for compliance.

Diagnostic laboratories.—All large-scale diagnostic laboratories and all those doing laboratory work using dogs or cats must be registered.

Marine mammal facilities.—Facilities using marine mammals for behavioral, biomedical, and related studies must be registered. (If the facility is open as an exhibit to the public, it must be licensed as an exhibitor.) The same standards of animal care required for exhibitors apply to marine mammal research facilities.

Exempt Institutions

Federal facilities.—Agencies of the Federal Government are not required to register with USDA and are not inspected by APHIS, but each Federal agency is responsible for complying with all USDA standards of animal care and for submitting an annual report to USDA on the use of regulated laboratory animals.

School laboratories.—Elementary, secondary, and all other schools below the college level are by law exempt from registration. However, experiments on live animals at these schools are discouraged.

Small-scale diagnostic labs.—Clinics doing small-scale diagnostic work on animals other than dogs and cats are entitled to apply for a specific, individual exemption from registration. Names and addresses of clinics given this exemption can be published.

Agricultural research institutions.—Research institutions doing work on horses and domestic farm animals other than rabbits are exempt by regulation and do not have to be registered.

Institutions using only biologic specimens.—If no live animals are used, but only dead biologic specimens, an institution is exempt. Suppliers of dead specimens made from regulated animals, however, have to be licensed as dealers.

Institutions using only nonregulated species.—A research institution is exempt if it uses only laboratory animals exempted by law or regulation. Examples are birds and domestic rats and mice. Wild species of rats and mice are regulated.

